



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,237	02/22/2007	Jyunichi Samo	0666.287000/TGD/JHH	4121
26111	7590	11/15/2007	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			COLEMAN, KEITH A	
		ART UNIT	PAPER NUMBER	
		4175		
		MAIL DATE	DELIVERY MODE	
		11/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,237	SAMO ET AL.	
	Examiner	Art Unit	
	Keith A. Coleman	4175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/26/2006</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract has more than 150 words. Correction is required. See MPEP § 608.01(b).

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The oath or declaration currently only has 1.56 (a). Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner (US Patent No. 4,355,609).

With regards to claim 1, the patent to Skinner et al. discloses a first lever (16, Col. 2, Line 24) connecting a governor lever (18, via spring 17, Col. 2, Lines 26-29, See Figure 1) to a rotary speed setting lever (14) interlockingly (See Figure 1); a second lever (12, Col. 2, Line 12) pivotally supported by the first lever (16) and a third lever (11, Col. 2, Line 11, See Figure 1) pivotally supported by the second lever (12), regulated its rotation amount by the second lever (12) and interlocked with the governor weight (14), characterized in that an elastic member (24, Col. 2, Lines 35-40) is provided between the first lever (16) and the second lever (12) so as to biases the levers for decreasing the rotary speed for a fixed amount at the time of low speed rotation, and a set load changing means for the elastic member (24) is provided on the first lever (16) near the elastic member (24). Using broadest reasonable interpretation, ‘interlock’ is defined as

to fit (parts) together to ensure coordinated action. Thus, all parts are interlocked in Figure 1.

With regards to claim 2, the patent to Skinner discloses wherein a bracket (i.e. rubber bellows housing the magnets 23, 22, Col. 2, Lines 35-40) for the elastic member (24) at the side of the first lever (16, See Figure 1) is constructed by an elastic plate (i.e. rubber bellows), the bracket (24) touches an outer peripheral surface of an adjusting shaft (magnets 22, 23, See Figure 1, appears to project from the levers 16 and 12 as a shaft), and a distance between the outer peripheral surface of the adjusting shaft (22, 23) and an axis is changed by stages (via rubber bellow, See Figure 1, Col. 1, Lines 10-25), and wherein the bracket for the elastic member (24) at the side of the first lever (16) is constructed by an elastic plate (i.e. rubber bellow or plates). Using broadest reasonable interpretation, the bellows are interpreted as rubber or elastic plates and since a shaft is defined as a column or any tubular or pillar-like supporting structure, the magnets shown in Figure 1 are interpreted as an adjusting shaft. As to the stages, Skinner discloses that the apparatus is necessary for adjusting fuel operations or stages for normal, idling, and start-up engine speeds.

With regards to claim 3, the patent to Skinner further discloses wherein a rotation limiting member (16) is projected from one of ends of the adjusting shaft (22, 23), and a projection (19, Col. 2, Line 29) which can touch the rotation limiting member (near 19, the end of member 16, See Figure 1) is provided on a

plate (the housing, See Figure 1) supporting the adjusting shaft (22,23, See Figure 1). As shown in Figure 1, the first lever (16) is also interpreted as being a rotation-limiting member.

With regards to claim 4, the patent to Skinner discloses wherein an engaging part (20, Col. 2, Line 33) for an adjusting operation means is formed on one of sides of the adjusting shaft (22, 23, See Figure 1).

With regards to claim 5, the patent to Skinner discloses wherein the elastic member (24) and the adjusting shaft (22, 23) are provided oppositely to a pivotal support part (13, Col. 2, Line 13) of the first lever (16) and the second lever (12, See Figure 1).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Itsuki et al. (US Patent No. 6,953,022) shows the current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith A. Coleman whose telephone number is 571-270-3516. The examiner can normally be reached on Monday through Friday between 5:30-3 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on (571) 272-1280. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Terrence R Till/
Supervisory Patent Examiner, Art Unit 4175

KAC
/K. A. C./